

EXHIBIT A

DECLARATION OF ROBERT ROSENTHAL

I, Robert L. Rosenthal, declare as follows:

1. I am an attorney licensed to practice before this Court and all of the Courts in the State of Nevada. I am counsel of record for Defendant in this matter, M.J. Dean Construction, Inc. (“MJ Dean”).

2. Not only were the four individuals not part of the Pretrial Order, they were also never included in Plaintiff’s Rule 26 witness and document disclosures.

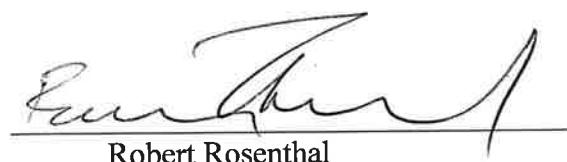
3. Attached hereto as Exhibit B is a true and correct copy of an email sent by Plaintiff to Mike Dean on April 21, 2020, and Defendant’s email response sent by MJ Dean’s Chief Information Officer, Tommy Glidewell on April 29, 2020. Both of these emails were disclosed and produced to Plaintiff on January 11, 2021, in Defendant’s initial document disclosures.

4. Plaintiff has known about John Thomason’s testimony since July 29, 2021, which was when John Thomason was deposed.

5. Despite the fact that Plaintiff has known about Jeff Lipmann and his expected testimony since November 14, 2019 (the first time that Plaintiff ever complained about discrimination) – which is more than three years ago – Plaintiff never mentioned Jeff Lipmann in his deposition, and the name “Jeff Lipmann” has never been raised or referenced in any documents or deposition testimony in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and if called upon as a witness I could and would competently testify thereto.

Dated: December 13, 2022



Robert Rosenthal